

HOUSE BILL 1689  
By Bowers

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 71  
relative to community empowerment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following  
as a new appropriately designated chapter:

Section 4-51-101.

(a) The purpose of this act is to create a pilot project in Shelby county, Tennessee, wherein communities and state government work together to implement a system of community empowerment areas. An important initial emphasis of the community empowerment areas is to improve the well-being of families with young children. An additional emphasis is to reduce duplicative bureaucratic requirements that are barriers to community efforts to improve the efficiency and effectiveness of local education, health, and human services programs. The community empowerment initiative will empower individuals and their communities to achieve desired results for improving the quality of life in the communities in this state. It is expected that the empowerment of individuals will strengthen the individuals' sense of responsibility for their neighbors and promote partnerships in order for all to succeed. It is believed that

the desired results identified by individuals and their communities, with the support of the state, will be achieved as individuals, governments, and agencies work collaboratively within communities. It is believed that local individuals in local communities working together will identify and implement the best means for attaining the desired results for themselves and their neighbors.

(b) It is intended that through this community empowerment initiative, by June 30, 2005, every community in Tennessee will have developed the capacity and commitment for using local decision making to achieve the following initial set of desired results:

- (1) Healthy children;
- (2) Children ready to succeed in school;
- (3) Safe and supportive communities;
- (4) Secure and nurturing families; and
- (5) Secure and nurturing child care environments.

To achieve the initial set of desired results, the initiative's primary focus shall first be on the efforts of the state and communities to work together to improve the efficiency and effectiveness of education, health, and human services provided to families with children from birth through age five (5) years. It is anticipated that the scope of the initiative will expand as additional desired results are identified and agreed upon by communities and the state. It is the intent of the general assembly to identify from time to time the additional desired results in statute.

Section 4-51-102.

(a) For the purposes of this chapter, unless the context otherwise requires:

- (1) "Community empowerment area" means a geographic area designated in accordance with this chapter;

(2) "Community empowerment area board" or "community board" means the board for a community empowerment area created in accordance with this chapter; and

(3) "Tennessee board" or "board" means the board established in this act that oversees the individual community empowerment area boards' activities. During the pilot period of this project, the Tennessee board or board shall be organized in Shelby county to monitor the individual community empowerment area boards established pursuant to this act.

Section 4-51-103.

(a) The Tennessee empowerment board pilot program is created in Shelby County to facilitate state and community efforts involving community empowerment areas including strategic planning, funding, identification, and guidance, and to promote collaboration among state and local education, health, and human services' programs.

(b) The board shall consist of fifteen (15) voting members with twelve (12) citizen members and three (3) state agency members. The three (3) state agency members shall be the directors of the following departments: education, human services, and health. The twelve (12) citizen members shall be appointed by the governor, subject to confirmation by the senate. The governor's appointments of citizen members shall be made in a manner so that each of the state's congressional districts is represented by two (2) citizen members and that all the appointments as a whole reflect the ethnic, cultural, social, and economic diversity of the state. The governor's appointees shall be selected from individuals nominated by community empowerment area boards. The nominations shall reflect the range of interests represented on the community boards so that the governor is able to appoint one (1) or more members each for education, health, human services, business, faith, and public interests. At least one (1) of the citizen members shall be a service consumer or the parent of a service consumer. Terms of

office of all citizen members are three (3) years. A vacancy on the board shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(c) In addition to the voting members, the Tennessee board shall include six (6) members of the general assembly with not more than two (2) members from each house being from the same political party. The three (3) senators shall be appointed by the speaker of the senate. The three (3) representatives shall be appointed by the speaker of the house of representatives. Legislative members shall serve in an ex officio, non-voting capacity. A legislative member is eligible for per diem and expenses as provided in Tennessee Code Annotated, Section 3-1-106.

(d) The Tennessee board shall perform the following duties:

(1) Manage and coordinate the provision of grant funding and other moneys made available to community empowerment areas by combining all or portions of appropriations or other revenues as authorized by law;

(2) Perform duties relating to community empowerment areas;

(3) Identify boards, commissions, committees, and other bodies in state government with overlapping and similar purposes which contribute to redundancy and fragmentation in education, health, and human services programs provided to the public. The board shall also make recommendations to the governor and general assembly as appropriate for increasing coordination between these bodies, for eliminating bureaucratic duplication, for consolidation where appropriate, and for integration of functions to achieve improved results;

(4) Assist with the linkage of child welfare and juvenile justice decategorization projects with community empowerment areas;

(5) Coordinate and respond to any requests from a community board relating to any of the following:

(A) Waiving existing rules, federal regulations, or amending of state law, or removing of other barriers;

(B) Pooling and redirecting of existing federal, state, or other public or private funds;

(C) Seeking of federal waivers; and

(D) Consolidating community-level committees, planning groups, and other bodies with common memberships formed in response to state requirements;

(6) In coordinating and responding to the requests, the Tennessee board shall work with state agencies and submit proposals to the governor and general assembly as necessary to fulfill requests deemed appropriate by the Tennessee board;

(7) Provide for maximum flexibility and creativity in the designation and administration of the responsibilities and authority of community empowerment areas;

(8) Adopt rules and regulations as necessary for the designation, governance, and oversight of community empowerment areas and the administration of this chapter. The Tennessee board shall provide for community board input in the rules adoption process;

(9) Develop guidelines for recommended coverage and take other actions to assist community empowerment area boards in acquiring necessary insurance or other liability coverage at a reasonable cost. Moneys expended by a community empowerment area board to acquire necessary insurance or other liability coverage shall be considered an administrative cost and implementation expense;

(10) With extensive community involvement, develop and annually update a five (5) year plan for consolidating, blending, and redistributing state-administered funding streams for children from birth through age five (5) made available to community empowerment area boards;

(11) With extensive community involvement, develop and annually update a ten (10) year plan for consolidating, blending, and redistributing state-administered funding streams for other age groups made available to community empowerment area boards. The focus for the early years of the initial ten (10) year plan shall be on the efforts of the Tennessee board and affected state agencies to facilitate implementation of individual community empowerment area board requests for pooling, consolidating, blending, and redistributing state-administered funding streams for other age groups;

(12) Implement a process for community empowerment areas to identify desired results for improving the quality of life in this state. The process shall allow for consideration of updates, additions, and deletions on a regular basis. The identified desired results shall be submitted to the governor and general assembly;

(13) With extensive community involvement, develop and annually update a five-year plan for consolidating, blending, and redistributing state-administered funding streams for children from birth through age five (5) made available to community empowerment area boards; and

(14) With extensive community involvement, develop and annually update a ten-year plan for consolidating, blending, and redistributing state-administered funding streams for other age groups made available to community empowerment area boards.

Section 4-51-104.

(a) A technical assistance team comprised of state agency representatives shall be designated to provide support to community empowerment areas. A technical assistance system shall be developed using local representatives of the state agencies represented on the board and other state agencies and individuals involved with local community empowerment areas.

(b) Staffing services to the board shall be provided by the state agencies which are represented on the board and by other state agencies making staffing available to the board.

(c) In addition, a community empowerment office is established as a division of the department of finance and administration to provide a center for facilitating communication and coordination for community empowerment activities and funding. Staffing for the community empowerment office shall be provided by a facilitator appointed by the governor, subject to confirmation by the senate, who serves at the pleasure of the governor. A deputy and support staff may be designated, subject to appropriation made for this purpose. The facilitator shall submit reports to the governor, the Tennessee board, and the general assembly. The facilitator shall provide primary staffing to the board, coordinate state technical assistance activities and implementation of the technical assistance system, and other communication and coordination functions to move authority and decision-making responsibility from the state to communities and individuals.

Section 4-51-105.

(a) Community empowerment area functions shall be performed under the authority of a community empowerment area board. A majority of the members of a community board shall be elected officials and members of the public who are not employed by a provider of services to or for the community board. At least one (1) member shall be a service consumer or the parent of a service consumer. Terms of

office of community board members shall be not more than three (3) years and the terms shall be staggered. The membership of a community empowerment area board shall include members with education, health, human services, business, faith, and public interests.

(b) A community board may designate representatives of service providers or public agency staff to provide technical assistance to the community board.

(c) A community board may designate a professional advisory council consisting of persons employed by or otherwise paid to represent an entity listed in subsection (d) or other provider of service.

(d) The community board shall elect a chairperson from among the members who are citizens, elected officials, or volunteers.

(e ) The community board shall administer empowerment grant moneys available from the state to the community board as provided by law and other federal, state, local, and private moneys as made available to the community board. Eligibility for receipt of community empowerment grant moneys shall be limited to those community boards that have developed an approved school ready children grant plan in accordance with this chapter. A community board may apply to the Tennessee empowerment board to receive as a community empowerment grant those moneys which would otherwise only be available within the geographic area through categorical funding sources or programs.

(f) If a disagreement arises within a community empowerment area regarding the interests represented on the community board, board decisions, or other disputes that cannot be locally resolved, upon request, state or regional technical assistance may be provided to assist the area in resolving the disagreement.

Section 4-51-106.



(a) Funding for services and projects to benefit community empowerment areas shall be obtained by redirecting existing funds from state departments and agencies participating in the pilot program. Funding may also be obtained from other public and private sources.

(b) The Tennessee board shall distribute grant monies to community boards based upon a determination of readiness of the community empowerment area to effectively utilize the moneys, with the grant moneys being adjusted for other federal and state grant moneys to be received by the area for services to children from birth through five (5) years of age.

(c) A community board's readiness shall be ascertained by evidence of successful collaboration among public or private education, human services, or health interests or a documented program design evincing a strong likelihood of leading to a successful collaboration between these interests. Other criteria which may be used by the Tennessee board to ascertain readiness and to determine funding amounts include one (1) or more of the following:

(1) Experience or other evidence of capacity to successfully implement the services in the plan;

(2) Local public and private funding and other resources committed to implementation of the plan; or

(3) Adequacy of plans for commitment of local funding and other resources for implementation of the plan.

Section 4-51-107. An early childhood programs grant account is created in the Tennessee empowerment fund under the authority of the commissioner of human services. Moneys credited to the account shall be distributed by the department of human services in the form of grants to community empowerment areas pursuant to criteria established by the Tennessee board in accordance with law. The criteria shall include but are not limited to a

requirement that a community empowerment area must be designated by the Tennessee board in order to be eligible to receive an early childhood programs grant.

Section 4-51-108. Beginning July 1, 2003, unless a different amount is authorized by law, up to three percent (3%), not to exceed sixty thousand dollars (\$60,000) of the school ready children grant moneys distributed may be used by the community board for administrative costs and other implementation expenses.

Section 4-51-109.

(a) The area must be designated as a community empowerment area by the Tennessee empowerment board.

(b) The maximum funding amount a designated community empowerment area is eligible to receive shall be determined by applying the area's percentage of the state's average monthly family investment program population in the preceding fiscal year to the total amount appropriated in this section for fiscal year 2003-2004. If a community empowerment board's request for official designation is received by the Tennessee empowerment board on or after September 1, 2003, upon designation, the maximum funding amount shall be prorated for the fiscal year and rounded up to the nearest full month.

Section 4-51-110.

(a) The Tennessee empowerment board shall develop a distribution formula for allocation of grant funding to new applicants and to applicants for renewal following expiration of the original grants' funding period. The distribution formula shall provide for an initial statewide allocation of the funding among the geographic areas represented by county and school district political subdivisions. The initial allocation shall be based upon the political subdivision area's relative proportion of the state's general population and population of children qualifying for free or reduced-price school lunches, plus a base amount for each political subdivision area. A community empowerment area board may

apply for the initial allocation amount or amounts attributable to the community empowerment area covered by that board.

(b) The Tennessee empowerment board shall submit its recommended funding formula to the governor and general assembly by December 15, 2003, so that a formula may be enacted to be first applicable to the fiscal year beginning July 1, 2004. The duration of any school ready children grant awarded on or after the effective date of this act shall not be for a three-year period but shall be adjusted so that renewal of the grant will be subject to the funding allocation formula to be first applicable to the fiscal year beginning July 1, 2004.

(1) The total amount that may be distributed in the fiscal year beginning July 1, 2003, to designated community empowerment areas for new school ready children grants initially awarded in that fiscal year shall not exceed three million, seven hundred fifty thousand dollars (\$3,750,000), the first-year funding period for those grants in that fiscal year shall commence October 1, 2003, and end June 30, 2004, and the annual amount applied for and approved shall be prorated accordingly. Those grantees shall be eligible to receive the full annual amount applied for and approved, in the fiscal year beginning July 1, 2004.

(2) Of the funding appropriated for school ready children grants for the fiscal year beginning July 1, 2003, not more than two hundred thousand dollars (\$200,000) is allocated for the community empowerment office and other technical assistance activities.

(c) The deadline for applications for school ready children grants in the fiscal year beginning July 1, 2003, shall be August 31, 2003, with grant awards to be made on October 1, 2003.

(d) The percentage of school ready children grant funding committed to home visitation and parent support services that is designed for families with newborns and

infants by the designated community empowerment areas awarded grants in the fiscal year beginning July 1, 2003, is approximately sixty percent (60%). For the fiscal year beginning July 1, 2004, based upon the need identified in the community needs assessment performed by an applicant community empowerment area, the applicant community empowerment area shall strive to commit an equivalent percentage of any approved school ready children grant funding to such services.

(e) If unobligated school ready children grant funding can be identified by the Tennessee empowerment board for the fiscal year beginning July 1, 2003, the board may authorize a school early children grant supplement for partial assistance to those designated community empowerment areas for which the costs of necessary insurance or other liability coverage consumes a majority or other substantial portion of such areas' school ready children and early childhood grant moneys that may be used for administrative and other implementation expenses. The Tennessee empowerment board shall determine procedures and other requirements to ensure the need for the assistance and to contain the total supplementation within the amount identified.

Section 4-51-111.

(a) The governor's appointments of four (4) additional citizen members shall be made from community empowerment area board nominees in a manner so as to ensure that each congressional district is represented by at least two (2) citizen members. The initial terms of the four (4) additional members shall be staggered so that not more than four (4) members' terms expire in any one (1) year. The appointments shall be made within sixty (60) calendar days of the effective date of this act.

(b) The Tennessee empowerment board shall obtain extensive community input and involvement in adopting the administrative rules to implement the provisions of this act, to be applicable to grants initially awarded or renewed on or after the effective date

of this act. The Tennessee empowerment board may adopt emergency rules to implement the provisions of this act, on or before August 31, 2003.

(c) The advisory council of representatives from community empowerment areas shall be used by the Tennessee empowerment board to revise the application and the application process for school ready children grants for the grant cycle immediately following the effective date of this act.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.